THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 10865 OF 2007

Dated 9th July, 2007

Between:

Sd. Shamsuddin

…Petitioner

And

Municipal Corporation of Hyderabad,
represented by its Commissioner,
Tank Bund, Hyderabad and others.

…Respondents.

ORAL ORDER:

In this writ petition, the petitioner seeks a writ of mandamus to declare the action of the respondent Nos. 1 and 2 in not stopping the alleged illegal construction being made by the 3rd respondent in the premises bearing No. 20-7-147 situated at Quazipura, Hyderabad.

Mainly, it is the grievance of the petitioner that a civil dispute is pending consideration before this court and in spite of the same, the third respondent has taken up construction unauthorisedly without any approval of plan by the competent authority i.e. respondents 1 and 2.

In the counter affidavit filed by the third respondent, it is clearly stated that the third respondent is making construction pursuant to permit No. 187/16 in file No.158/1/A/7/2006, dated 10.4.2007.

In that view of the matter, if any civil disputes are pending in between the petitioner and the third respondent, while it is open for the petitioner to seek appropriate directions by filing miscellaneous petitions, but so far as this writ petition is concerned, as it is stated that the constructions are made pursuant to the valid permit, I do not find any ground for grant of relief sought for.

The writ petition is dismissed leaving open to the petitioner to seek appropriate relief in civil proceedings. No costs.

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9-7-2007

R.SUBHASH REDDY, J.

VR